

# HOUSE BILL REPORT

## SSB 5261

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### As Passed House:

March 30, 2009

**Title:** An act relating to creating an electronic statewide unified sex offender notification and registration program.

**Brief Description:** Creating an electronic statewide unified sex offender notification and registration program.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Stevens, Hargrove and Shin).

### Brief History:

#### Committee Activity:

Public Safety & Emergency Preparedness: 3/18/09 [DP].

#### Floor Activity

Passed House: 3/30/09, 97-0.

### Brief Summary of Substitute Bill

- Requires the Washington Association of Sheriffs and Police Chiefs to implement and operate an electronic statewide unified sex offender notification and registration program when funded.
- Extends immunity from civil liability for any release of relevant and necessary information or the failure to release such information in the electronic statewide unified sex offender notification and registration program.

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## HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

**Majority Report:** Do pass. Signed by 8 members: Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Goodman, Kirby and Ross.

**Staff:** Lara Zarowsky (786-7123)

### Background:

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A sex or kidnapping offender must register with the county sheriff of the county in which he or she resides. The offender must also notify the county sheriff if he or she enrolls in a public or private school or an institution of higher education. Law enforcement officials use the information in the registry to notify the public, subject to certain guidelines, of a sex offender's presence in the community.

An offender who serves a term of confinement pursuant to a conviction for a sex or kidnapping offense must register at the time of release with the agency that has jurisdiction over the offender. The agency must then transmit the information within three days to the county sheriff. The offender must also register with the county sheriff within 24 hours of release.

An offender who changes his or her address or becomes homeless must provide written notice to the county sheriff of his or her change in status. Homeless offenders must report weekly to the county sheriff. Level II and III sex offenders who have a fixed residence must report to the county sheriff every 90 days.

An offender must provide the following information to comply with registration requirements:

- name;
- complete residential address;
- date and place of birth;
- place of employment;
- crime for which convicted;
- date and place of conviction;
- aliases used;
- Social Security number;
- photograph; and
- fingerprints.

The Washington Association of Sheriffs and Police Chiefs (WASPC) has developed the Sex Offender Notification and Registration system (SONAR) for implementation in Washington. The SONAR is designed to be a statewide data system that will:

- allow counties and the Department of Corrections to directly input sex offender information into the database so that updated information is immediately available to counties across the state;
- allow counties to utilize the system on their own websites to provide public access to local sex offender information as authorized by statute; and
- provide a notification system allowing citizens to request and receive notification regarding sex offenders who move within a given proximity.

The SONAR system is currently operating. Thirty-three of Washington's 39 counties input data directly into the system, while information for the remaining six counties is entered into the system by the WASPC.

### **Summary of Bill:**

When funded, the WASPC must implement and operate an electronic statewide unified sex offender registration and notification program.

Provided that the release was made without gross negligence, all appointed and elected officials, public employees, and public agencies are immune from civil liability for damages related to the release of information or the failure to release information under the electronic statewide unified sex offender notification and registration program. The immunity applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Prior to the Governor's task force on sex offender registration, all 39 counties in the state used separate systems for registering sex offenses, and submitted information to the centralized registry via U.S. mail. The creation of a unified system was a recommendation of the task force, and the WASPC were tasked with creating the system pursuant to a budget proviso. The system is now funded in the Governor's carry-forward budget, and is currently up and running. This bill gives statutory authority to run the system and extends some limited liability for those managing the system. One of the most popular features is that it allows residents to register for electronic mail alerts when a sex offender moves into their community. Another feature facilitates information transmittal between counties when an offender relocates from one county to another.

(Opposed) None.

**Persons Testifying:** Don Pierce, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** None.